

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

SHAWN VENEZIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:09-cv-430
	)	
12th & DIVISION PROPERTIES, LLC;	)	Judge Thomas A. Wiseman, Jr.
CJUF II TERRAZZO LLC; and	)	
BANK OF AMERICA, N.A.,	)	
	)	
Defendants.	)	

*consolidated with*

JEFFREY D. KULA and KARIN L. KULA,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
12th & DIVISION PROPERTIES, LLC;	)	
CJUF II TERRAZZO LLC; and	)	
BANK OF AMERICA, N.A.,	)	
	)	
Defendants.	)	

*consolidated with*

TARA McKNIGHT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
12th & DIVISION PROPERTIES, LLC;	)	
CJUF II TERRAZZO LLC; and	)	
BANK OF AMERICA, N.A.,	)	
	)	
Defendants.	)	

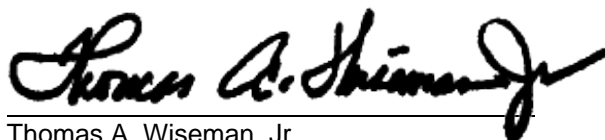
**ORDER**

Before the Court is the Motion to Dismiss (Doc. No. 36) filed by Defendants 12th & Division Properties, LLC and CJUF II Terrazzo LLC, seeking dismissal of certain claims set forth in the Second Amended Complaint filed in *Venezia*, the First Amended Complaint in *Kula*, and the Complaint in *McKnight* (collectively, the "Amended Complaints"), which matters have been consolidated for all purposes. For the reasons explained in the accompanying Memorandum Opinion, the Court finds that

Plaintiffs have failed to state a plausible claim for relief based upon Defendants' failure to "register" the Terrazzo Project with HUD or based upon Defendants' decision to use "non-sound-insulated glass" on the Project. The motion (Doc. No. 36) is hereby **GRANTED** insofar as it pertains to those claims, and those claims are **DISMISSED WITH PREJUDICE**. In all other respects, Defendants' motion is **DENIED**.

The parties are further advised that all future filings in these consolidated matters should be entered under Civil Case No. 3:09-cv-430 only.

It is so **ORDERED**.

A handwritten signature in black ink, reading "Thomas A. Wiseman, Jr.", written in a cursive style.

Thomas A. Wiseman, Jr.  
Senior U.S. District Judge